

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAEDEN MONK,

Plaintiff,

-against-

Docket No.:

NOTICE OF REMOVAL

KLLM TRANSPORT SERVICES, LLC and TYRIK
DASHAUN MASTERS,

Defendants.
-----X

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, WHITE PLAINS BRANCH**

Petitioners KLLM TRANSPORT SERVICES, LLC and TYRIK DASHAUN MASTERS hereby remove this action from the Supreme Court of the State of New York, County of Orange, to the United States District Court for the Southern District of New York, White Plains Branch.

1. A civil action has been filed against Petitioners in the Supreme Court of the State of New York, County of Orange, entitled Jaeden Monk v. KLLM Transport Services, LLC and Tyrik Dashaun Masters, Index Number EF003173-2022. A copy of the Summons and Complaint is annexed as Exhibit “A”.

2. Defendants/Petitioners received notice of commencement of the state court action no earlier than June 13, 2022. This Petition is, therefore, timely filed within thirty (30) days after receipt of the Complaint pursuant to 28 U.S.C. § 1446(b)(3)(1).

3. The above described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by Petitioner herein pursuant to the provisions of 28 U.S.C. §1332(a)(2) and (c)(1) and

28 U.S.C. §1441 in that it is a civil action between a plaintiff who is a citizen of New York State, a corporate defendant that is incorporated and has its principal places of business in a state other than New York, and an individual defendant who is a citizen of a state other than New York. Based on a representation made to me by plaintiff counsel, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

4. At the time of the commencement of this action, and as of the date of filing of this Petition:

- (a) Upon information and belief, and based on allegations in plaintiff's Complaint (Exhibit "A") plaintiff Jaeden Monk is a resident of Ulster County, NY;
- (b) Defendant KLLM Transport Services, LLC is a limited liability company organized and existing under the laws of the state of Texas, with its principal place of business located at 135 Riverview Drive, Richland, MS 39218; and
- (c) Defendant Tyrik Dashaun Masters is a resident of the state of Mississippi, with a home address of 2025 Military Ave., Vicksburg, MS 39180.

5. Plaintiff Jaeden Monk alleges in his Complaint that he sustained personal injuries, and other damages, arising from a motor vehicle accident on August 9, 2021, when the vehicle that he was driving collided with a tractor-trailer owned by defendant KLLM Transport Services, LLC and operated by their employee, defendant Tyrik Dashaun Masters. Plaintiff alleges that the collision was caused by the negligence of the defendants in the ownership and operation of the tractor-trailer. Plaintiff seeks recovery in an amount not specified in his Verified Complaint. However, in a telephone conference with plaintiff counsel Patrick S. Owen, Esq., I was advised that the amount that plaintiff seeks as compensation in this matter exceeds \$75,000. Thus, this matter meets the jurisdictional minimum amount in controversy required for removal to this court.

6. The United States District Court for the Southern District of New York includes Orange, County, where the action has been filed. Therefore, this action is properly removed to the Southern District of New York, White Plains Branch, pursuant to 28 U.S.C. §§ 112(a) and 1441(a).

7. Defendants/Petitioners will promptly file a copy of this Petition in the Supreme Court of the State of New York, County of Orange, and will serve a copy to plaintiff counsel, in accordance with 28 U.S.C. §1446(d).

WHEREFORE, Defendants/Petitioners respectfully request that this action be removed from the Supreme Court of the State of New York, County of Orange to this Court.

Dated: July 11, 2022
New York, New York

STRONGIN ROTHMAN & ABRAMS, LLP



BARRY S. ROTHMAN, ESQ.
Attorneys for Defendants
KLLM TRANSPORT SERVICES, LLC and
TYRIK DASHAUN MASTERS
80 Pine Street, 10th Floor
New York, NY 10005
(212) 931-8300

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE-----X
JAEDEN MONK,

Index No:

Plaintiff,

SUMMONS

-against-

KLLM TRANSPORT SERVICES, LLC and
TYRIK DASHAUN MASTERS,Plaintiff(s) designate(s) Orange
County as the place of trial

Defendants.

The basis of venue is
CPLR 503(a)-----X
To the above named defendant(s) :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to service a copy of your answer, or, if the complaint is not served with this summons, to service a notice of appearance, on the Plaintiffs' Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Middletown, New York
June 8, 2022

Yours, etc.,

PATRICK S. OWEN, PLLCBy: **PATRICK S. OWEN, ESQ.**Attorney for Plaintiff(s)
250 Crystal Run Road
Middletown, New York 10941
Tel. No.: (845) 692-8000**Defendant's Address(es):**KLLM TRANSPORT SERVICES, LLC
135 Riverview Drive
Richland, MS 39218TYRIK DASHAUN MASTERS
3621 Halls Ferry Road
Vicksburg, MS 39180

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
JAEDEN MONK,

Index No:

Plaintiff,

VERIFIED COMPLAINT

-against-

KLLM TRANSPORT SERVICES, LLC and
TYRIK DASHAUN MASTERS,

Defendants.
-----X

Plaintiff, JAEDEN MONK, by and through his attorney, PATRICK S. OWEN, PLLC, as
and for his Verified Complaint, herein alleges as follows:

1) That at all times hereinafter mentioned, upon information and belief, the Plaintiff,
JAEDEN MONK, was and still is a resident of the County of Ulster, State of New York.

2) That at all times hereinafter mentioned, upon information and belief, the Defendant,
TYRIK DASHAUN MASTERS, was and still is a resident of the County of Warren, State of
Mississippi.

3) That at all times hereinafter mentioned, upon information and belief, the Defendant,
KLLM TRANSPORT SERVICES, LLC, was and is a foreign limited liability company,
organized and existing under the laws of the State of Mississippi.

4) That at all times hereinafter mentioned, upon information and belief, the Defendant
KLLM TRANSPORT SERVICES, LLC, was and is a foreign limited liability company,
authorized to do business within the State of New York.

5) That at all times hereinafter mentioned, upon information and belief, the Defendant,
KLLM TRANSPORT SERVICES, LLC, was the registered owner of a certain 2021 Freightliner
vehicle bearing license plate A490130 for the State of Mississippi.

6) That at all times hereinafter mentioned, upon information and belief, the Defendant, KLLM TRANSPORT SERVICES, LLC, was the titled owner of a certain 2021 Freightliner vehicle bearing license plate A490130 for the State of Mississippi.

7) That at all relevant times mentioned herein, upon information and belief, Defendant KLLM TRANSPORT SERVICES, LLC, was the registered owner of a certain trailer bearing Mississippi license plate 138732A.

8) That at all relevant times mentioned herein, upon information and belief, Defendant KLLM TRANSPORT SERVICES, LLC, was the titled owner of a certain trailer bearing Mississippi license plate 138732A.

9) That at all times hereinafter mentioned, upon information and belief, the Defendant, TYRIK DASHAUN MASTERS, was the operator of the aforementioned 2021 Freightliner vehicle with the aforementioned trailer attached with the express and or implied consent of the aforementioned owner.

10) That at all times hereinafter mentioned, upon information and belief, the Defendant, TYRIK DASHAUN MASTERS, operated the aforementioned 2021 Freightliner vehicle while in the course and scope of his employment with the Defendant, KLLM TRANSPORT SERVICES, LLC

11) That at all times hereinafter mentioned, upon information and belief, the Plaintiff, JAEDEN MONK, was the operator of a 2007 Honda motor vehicle bearing license plate KJH9074, owned by, Kristie Stegall, not a party herein.

12) That on the 9th day of August, 2021, the trailer of the motor vehicle operated by the Defendant, TYRIK DASHAUN MASTERS and owned by Defendant KLLM TRANSPORT SERVICES, LLC, came into contact with the vehicle operated by the Plaintiff, JAEDEN MONK.

13) That on the 9th of August, 2021, while the plaintiff was legally operating his motor vehicle, the Defendant, TYRIK DASHAUN MASTERS, so negligently, carelessly and recklessly conducted the operation, management and control of the trailer attached to the motor vehicle owned by Defendant, KLLM TRANSPORT SERVICES, LLC as to cause and permit it to strike the motor vehicle Plaintiff, JAEDEN MONK was confined in, with such great force, that it inflicted it upon him serious physical injuries, which have resulted in great bodily harm, pain, suffering, loss of enjoyment of life, and damages for medical expenses and lost wages.

14) That as a result of the aforesaid accident, the Plaintiff, JAEDEN MONK, sustained serious physical injuries as defined in Insurance Law § 5102(d) of the State of New York, and/or has sustained or will sustain, economic loss in excess of "basic economic loss" as defined in Insurance Law § 5102(a) of the State of New York.

15) This action falls within one or more of the exceptions as set forth in CPLR 1602, specifically, the motor vehicle exception.

16) That as a result of the foregoing, the Plaintiff, JAEDEN MONK, sustained serious and severe injuries to his mind and body, a shock to his nervous system, and has been caused to suffer severe physical pain and anguish as a result thereof, and upon information and belief, some of these injuries are of a permanent and lasting nature; that plaintiff has been confined to hospital, bed and home as a result thereof, has been caused to abstain from employment and lost income and has become responsible for expenses related to the treatment of said injuries, all to his damage in a sum exceeding the monetary jurisdictional limits of all lower courts.

WHEREFORE, plaintiff(s) demand(s) judgment against the defendant(s), and each of them, in a sum exceeding the monetary jurisdictional limits of all lower courts, to be determined by a jury as fair, just and adequate; together with the costs and disbursements of this action.

Dated: Middletown, New York
June 8, 2022

Yours, etc.,

PATRICK S. OWEN, PLLC

By:

A handwritten signature in black ink, appearing to be 'PS Owen', written over a horizontal line.

PATRICK S. OWEN, ESQ.

Attorney for Plaintiff(s)

250 Crystal Run Road

Middletown, New York 10941

Tel. No.: (845) 692-8000

State of New York)

ss.:

County of Orange)

I, the undersigned, an attorney duly admitted to the practice of law in the Courts of the State of New York, state that I am the attorney of record the plaintiff(s) in the within action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except to those matters therein alleged to be on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by plaintiff(s) is because plaintiff(s) do(es) not reside and/maintain its office and/or principal place of business in the same county which affirmant maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are based upon records of the plaintiff(s), investigation and/or conversations with the plaintiff(s).

I affirm the foregoing statements pursuant to CPLR 2106, aware of the penalties for perjury.

Dated: Middletown, New York
June 8, 2022



PATRICK S. OWEN